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RUEHPT/AMCONSUL PERTH 5147
RUEHDN/AMCONSUL SYDNEY 5154
RHHMUNA/HQ USPACOM
RUCPDO/DEPT OF COMMERCE WASHINGTON DC
RUEAHL/DEPT OF HOMELAND SECURITY CENTER WASHINGTON DC
RULSDMK/DEPT OF TRANSPORTATION WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 CANBERRA 000015

NOFORN
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STATE FOR OES/OA BALTON, PHELPS, COMMERCE FOR NOAA MEDINA,
TOKYO FOR COBBS

E.O. 12958: DECL: 01/09/2020

TAGS: [EFIS](#) [EWWT](#) [PREL](#) [AS](#) [JA](#)

SUBJECT: WHALING COLLISION: AUSTRALIA WILL INVESTIGATE

REF: A. CANBERRA 14

[1](#)B. 09 CANBERRA 1099

Classified By: Political-Economic Counselor Edgard Kagan, Reasons 1.4(B)
(D)

[1](#)1. (C/NF) The initial video evidence of the collision between a Japanese whaling ship and the Sea Shepherd Conservation Society (SSCS) vessel Ady Gil (ref A) strongly suggests that the Ady Gil stopped or slowed significantly in the path of the Japanese whaling vessel Shonan Maru at close range and that the Japanese vessel's actions could be consistent with trying to avoid a collision. Paula Watt, Director of the Marine Environment Section at the Department of Foreign Affairs and Trade (DFAT), told Econoff that the GOA is analyzing available evidence surrounding the crippling of the Gil in the January 6 collision. While careful to say that any final determination would be made by maritime safety experts, Watt said in her opinion the Japanese would "come away clean" in a final finding of fault.

MEDIA COVERAGE HEAVILY IN FAVOR OF SSCS

[1](#)2. (C/NF) Such a result will be hard to swallow for the Australian public. Already frustrated with the inability of the Rudd government to stop or reduce whaling in the Southern Ocean, public outcry over the incident has been heavily one-sided and stoked by the Opposition. Every media outlet in Australia gave front-page coverage to this incident, with several headlines leaping to the conclusion that the Japanese vessel "rammed" and sank the Gil, relying heavily on quotes from SSCS members. Some commentators did question the safety of the SSCS's operations, but the general initial coverage supports the perception that Japan is operating illegally and dangerously and should be stopped. Australia National University sea law expert Don Rothwell offered one counterpoint to the emotional outrage, saying in an interview that SSCS was operating at the very edge of legality in their protests. Rothwell also said that the government now had good reason to send a vessel to monitor both whaling and the protests.

BREAK OUT THE MICROSCOPE

[1](#)3. (C/NF) Watt said DFAT already issued instructions to posts in Tokyo and Wellington that Australia will assist as required in any investigation by the two flag states

involved. Contrary to initial reports, the bulk of the Gil did not sink and its wreck is being towed by other SSCS vessels. Watt said it was highly likely that Australian police and maritime agents would want to inspect any of the vessels that do call in Australia for evidence linked to the collision. This would follow on the 2009 execution of a warrant on the SSCS vessel Steve Irwin by the Australian Federal Police for similar reasons.

¶4. (SBU) Environment Minister Peter Garrett issued the initial government response late on January 6, condemning any dangerous or violent action on the high seas, restating opposition to lethal scientific whaling, and urging all parties to exercise maximum restraint and conduct their operations safely. Deputy Prime Minister Julia Gillard on January 7 ordered the Australian Maritime Safety Authority to conduct its own investigation of the incident regardless of Qconduct its own investigation of the incident regardless of flag state requests. Watt characterized this as a "fact finding", not a criminal, investigation. Gillard also said that the GOA will not be sending a vessel to monitor events, despite a public call from Opposition Environment Spokesman Greg Hunt to repeat the 2007 despatch of a customs vessel to monitor the whaling operation.

¶5. (C/NF) Comment: Australian authorities will, to the best of their ability, conduct a careful and thorough inquiry into the collision and any potential violations of international or Australian law. Given the pressure they are already under on this issue in an election year, any determination of the facts by Australian authorities will be scrutinized by all sides. The truth about the collision is unlikely to emerge

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quickly, and the inquiry could be hard-pressed to avoid influence by foreign policy or domestic political calculus.

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